

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In Re Application of: |) | |
| Christopher W. Preist, <i>et al.</i> |) | Confirmation No: 4046 |
| |) | |
| Serial No.: 10/035,700 |) | Group Art Unit: 3692 |
| |) | |
| Filed: October 29, 2001 |) | Examiner: Poinvil, Frantzy |
| |) | |
| For: Method and Apparatus for Negotiation |) | Atty. Docket No.: 30010014-2 |

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed March 3, 2008 has been carefully considered. In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

REMARKS

The Examiner has provided in the Examiner's Answer various responses to arguments contained in Applicants' Appeal Brief. Although the Examiner's Answer has added some additional remarks in response to Applicants' arguments, the substance of the rejections and the Examiner's positions have not changed. Accordingly, Applicants stand behind the arguments set forth in the Appeal Brief. In addition, Applicants address selected responses in the following.

The Examiner refers to passages of *Thiessen* in order to refute the contention that *Thiessen* does not disclose the selection of at least one of a plurality of negotiation types, where a selected negotiation type establishes a framework for determining an outcome in a negotiation, as described in claim 1. For example, the Examiner cites that "each party enters information pertaining to their preferences on each issue of the problem or dispute being negotiated. Each of the computer system 12 uses this information to make a number of calculations as described in detail below, and transmits the information and the calculation to the central computer 18." Page 8 (citing column 5, lines 42-50 of *Thiessen*). Accordingly, in the above passage from *Thiessen*, a preference on an issue attempted to be resolved is entered. This preference is not disclosed to be a negotiation type used to establish a framework for determining an outcome.

The Examiner further cites that "[t]he central computer 18 located at the neutral side 20 . . . determines proposed solutions to the problem or dispute that will provide an optimal level of both total and individual satisfaction or benefit to the parties." Page 9

(citing column 5, lines 52-60 of *Thiessen*). Accordingly, in the above passage, the framework of choosing a solution that provides an optimal level of satisfaction or benefit to the respective parties is not selectable by an entity. It is the sole framework disclosed in *Thiessen*.

The Examiner also states that the "appellant merely provides a statement that the Examiner's analysis is incorrect without any support in concert with their assertion." Page 10. In response, Appellant respectfully submits that the Applicants have in the prior responses and the Appeal Brief have provided passages from the cited references and provided explanations that attempt to show that the cited references do not disclose the claimed subject matter. As a result, it is Applicants' position that the foundation and basis for the Examiner's rejections are improper.

Therefore, the cited art fails to teach or suggest at least "wherein the computer node is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement," as recited in claim 1 as an example.

Using similar reasoning, the cited art also does not teach or suggest the subject matter of remaining claims 2-26. Therefore, for the reasons presented herein and the

reasons earlier presented in the Appeal Brief, the cited references are deficient in disclosing claimed features, and the arguments set forth in the Appeal Brief still stand. The rejection of the pending claims should be overturned.

Conclusion

In summary, it is Applicants' position that Applicants' claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicants' pending claims.

Respectfully submitted,

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